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Filing date: **10/24/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	94002107
Party	Applicant TN Master Tile LP TN Master Tile LP 2510 McAllister Houston, TX 77092
Correspondence Address	D. BRIT NELSON LOCKE LIDDELL & SAPP LLP 3400 JP MORGAN CHASE TOWER; 600 TRAVIS, ATTN: IP DOCKETT CLERK HOUSTON, TX 77002-3095
Submission	Other Motions/Papers
Filer's Name	D. Brit Nelson
Filer's e-mail	ipdocket-houston@lockeliddell.com
Signature	/D. Brit Nelson/
Date	10/24/2006
Attachments	Response.pdf (1 page)(41581 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Concurrent Use No. 94002107

TN Master Tile LP

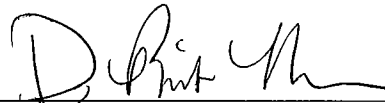
v.

MASTER TILE PRODUCTS, INC.

**RESPONSE TO OFFICE ACTION
OF OCTOBER 12, 2006
REGARDING
STIPULATION OF AGREEMENT AND
DISMISSAL OF CONCURRENT USE PROCEEDING**

Further to the Stipulation of Agreement and Dismissal of Concurrent Use Proceeding and in response to the Office Action of October 12, 2006, we confirm that Application Serial No. 78/183,981 for the mark MASTERTILE was intended to be included in the Stipulation of Agreement and Dismissal of Concurrent Use Proceeding and Request to Dismiss Concurrent Use Proceeding and Amend Restricted Trademark Application. The omission to include this additional application was merely an oversight as all rights in and to the mark, as well as Application Serial No. 78/183,980, and the associated goodwill, were purchased by TN MASTER TILE LP as set forth in the Asset Purchase and Sale Agreement, and Trademark Assignment, dated February 22, 2006, by and between TN MASTER TILE LP and MASTER TILE PRODUCTS, INC.

Therefore, the Applicant requests that the Concurrent Use proceeding be dismissed and that both Application Serial Nos. 78/183,980 and 78/183,981 be amended to unrestricted applications, without the geographic restriction for the State of Ohio, in accordance with the rights granted by MASTER TILE PRODUCTS, INC.



D. Brit Nelson, attorney for
TN Master Tile LP,